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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,676	06/15/2001	Martin Maubach	225/49626	6524

7590 06/06/2002

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EXAMINER

WERNER, FRANK E

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 06/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



5001/762676
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This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☒ Responsive to communication(s) filed on Feb. 12, 2001
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 6-13 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 6-13 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☒ Claims 6-13 are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☒ The drawing(s) filed on June 15, 2001 is/are objected to by the Examiner. are approved.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 8
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

- SEE OFFICE ACTION ON THE FOLLOWING PAGES -

Art Unit: 3652

1. Claims 6-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re base claims 6, 11 and 13, no vehicle structure (wheels, frame, top, sidewalls, etc.) has been set forth; "the vehicle floor" (claim 6, line 3) lacks antecedent basis; the meaning of lines 3 and 4 in claim 6; of lines 5 and 6 in claim 11; and of lines 9 and 10 of claim 13 is not understood; further, it is not understood where (and how) the door is structurally located and mounted; lastly, no means has been set forth to secure the ramp in an upright position. Re claim 9, it is not understood how the hinge action can be blocked in the absence of means therefor; "the hinge action" (lines 1 and 2) lacks antecedent basis. Re claim 7, it is not understood where the vertically displaceable pivot mounting structurally is located and what function is performed thereby.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3652

3. Claims 6, 7, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the British Patent (,152) in view of Ressler (,413) or the French Patent (,362), each reference having been cited by Applicant.

The British Patent discloses a lowered floor section 19 mounted in the floor of a vehicle (page 5, lines 12-16) and ramp 30 pivotally mounted on the floor section for movement between the claimed positions, but the ramp is not pivotally mounted at the outside of the floor section and the floor section does not support the wheelchair which is disclosed by Ressler (46, 44A, 42, 71, etc.) or the French Patent (17, 16, 33, 3, etc.) and in view of the same, it would have been obvious to have mounted the ramp pivotally outside the floor section depending on the requirements of vehicle and to have placed the ramp in an upright secured position in order to provide space for the wheelchair as taught by either secondary reference. Reclaim 7, it would have been obvious to have substituted a conventional vertically moving pivotal mounting, if desired, depending on the end result desired.

4. Claims 8-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the British Patent (,152) in view of Ressler (,413) or the French Patent (,362) as applied to claims 6, 11 and 13 above, and further in view of the Japanese Patent (,670) or Soviet Patent (,672).

Re claims 8 and 12, it would have been obvious to have substituted pivotal ramp sections in order to fold the ramp as taught by the Japanese Patent (22, etc.) or the Soviet Patent (3, 6, etc.). Further, it would have been obvious to have conventionally mounted the sections as claimed depending on the desired end result. Re claim 9 and 10, it would have been obvious to have the hinge action conventionally blocked (as claimed), if desired.

5. This application contains claims directed to the following patentably distinct species of the claimed invention: Species A – Figs. 1 and 2; or Species 3-5.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, at least claims 6 and 11 appear to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Art Unit: 3652

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

An action on the merits has been given to expedite the prosecution.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication should be directed to Frank Werner at telephone number 703-308-11⁴⁰₁₂.

Werner/dw

June 4, 2002

Frank Werner
SEARCHED INDEXED
SERIALIZED FILED
JUN 11 2002
3652